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held that the circumstances attending the organization and control of the association rendered it neither a partnership nor a corporation, nor a voluntary association of individuals transacting business, but a branch of the university, and not a proper party defendant.

Use of Secret Order's Name by Other Corporation.—The Benevolent and Protective Order of Elks of the United States of America, a corporation composed exclusively of Caucasians, prayed for an injunction to prevent the use of the name "Improved Benevolent and Protective Order of Elks of the World" by another corporation composed of persons of African descent, and to prevent the use of its badge, emblems, ritual, and passwords. Defendant insisted that the rights asserted in the bill were not property rights, and that the wrongs complained of were not such as a court of equity would protect by injunction. In *Benevolent & P. O. E. v. Improved Benevolent & P. O. E.*, 118 Southwestern Reporter, 389, the Tennessee Supreme Court, considering the facts that while plaintiff was not engaged in business for profits, in the sense of commerce and trade, yet it employed certain business activities for the purpose of maintaining itself and to procure funds to carry out the purpose of maintaining itself, and that the name it had acquired and appropriated had become very valuable in the nature of a trade-name which had derived great financial business and social value, granted the injunction.

Competency of Wife to Testify Against Husband Who Abuses Her.—One Vaughan became drunk and wended his way homeward at the height of inebriety. Arriving there he pulled his wife out of bed, and administered corporal and verbal abuse to her. On the trial she was compelled to testify against him. He was duly convicted of disturbing his wife's peace, for which crime he had been indicted. In *State v. Vaughan*, 118 Southwestern Reporter, 1186, the Kansas City Court of Appeals, holding the wife incompetent as a witness, remarked that there is no telling, if a wife under such circumstances should be permitted to testify, to where such a course would lead. To permit the mere quarrels between husband and wife to be used as a basis for a prosecution, under the pretense that the peace of the wife had thereby been disturbed, would be against public policy and unnecessary for the protection of the wife.

Person Setting Up Estoppel Must Be Prejudiced Thereby.—One insured in a beneficiary association indicated his purpose to absent himself from his family for a few days, but from that time nothing was heard of him. For two years following his absence the premiums were paid by his wife. Thereafter an opportunity presented itself to the wife to dispose of her real property for which purpose she secured a divorce that she might convey a good title to the realty. Seven years

after the husband's disappearance she instituted an action for the insurance. The association insisted that by bringing the action for divorce she had expressed her belief that her husband lived, and that after she had ceased payments on his certificate she was estopped to assert that he was dead. In *Butler v. Supreme Court I. O. F.*, 101 Pacific Reporter, 481, the Washington Supreme Court decided that the wife was not estopped to assert her husband's death within the two years following his disappearance, as the association could not have been injured by reason of her conduct.

Infringement of Copyrights by Moving Picture Machine.—In *Harper & Bro. et al. v. Kalem Co. et al.*, 169 Federal Reporter, 61, it appeared that defendant had employed a person to read *Ben Hur* and to write a description of it which might be utilized by a moving picture machine. The dramatization of this book had previously been copyrighted by the plaintiff. Defendant advertised the films thus taken as capable of producing a moving picture spectacle of *Ben Hur*, and sent its advertisement to the proprietors of theatricums. The United States Circuit Court of Appeals holds that when a film is put on an exhibiting machine which reproduces the action of the characters, it becomes a dramatization. Moving pictures are a form of expression infringing not the copyrighted book or drama, but the author's exclusive right to dramatize his writings, and to publicly perform such dramatization.

Publication of Portraits in Advertising.—The defendant's newspaper, in *Peck v. Tribune Company*, 29 Supreme Court Reporter, 554, published, in an advertisement of whisky, a portrait of plaintiff in connection with a signed statement purporting to have been made by her that she was a nurse, had used the whisky for herself and patients, and recommended it. In her suit for libel in publishing the portrait, plaintiff alleged that she was not the woman whose name was signed to the recommendation, that she was not a nurse, and was a total abstainer. It was suggested in defense that defendant published the portrait by mistake, and without knowledge that it was plaintiff's portrait, or was not what it purported to be. The court says that defendant took the risk in publishing the portrait, and the usual principles of tort make him liable if the representations are false. It could not be said that the obvious tendency of what was imputed to plaintiff by the advertisement was not to seriously hurt her standing with a considerable and respectable class of the community. The United States Supreme Court, reversing the decision of the lower court, concluded that plaintiff was entitled to have her case submitted to the jury.

Expenses of President of Corporation.—A corporation, after the expiration of the term of office of its president, sued him to recover a